

during different periods within the term of the pregnancy,
wherein said tonal variations of each subsequent said sequence of tones is
selected to be increased during the term of the pregnancy.

Please add new claim 43 as follows:

43. (New) A system for adjusting cognitive function of a postnatal human
comprising:
means for determining a pattern of sonic variations, said pattern comprising a
plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
means for selecting each of said sequences of tones to be transmitted at a
predetermined time during a predetermined period;
means for transmitting each of said sequences of tones in soundwave form to said
human during said predetermined period; and
means for positioning a transmission means proximate to a forehead of said
human and transmitting said sequence of tones aurally.

Please cancel claims 1-11, 16, 21-31, 41 and 42.

REMARKS

Claims 33, 36, 37 and 42 have been amended. Claim 43 has been added.
Attached is a clean copy of claims 33, 36, 37, 42 and 43. Claims 1-11, 16, 21-31, 41 and
42 have been cancelled. Claims 12-15, 17-20, 32-40 and 43 are in this application.

Claims 37 and 42 have been amended to provide antecedent basis. No new matter
has been entered. Applicant has amended the claims for clarity. Each of the claims has
been amended for clarity to encompass the full scope and breadth of the invention.
Claims 33 and 36 have been rewritten in independent form.

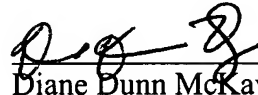
New claim 43 has been added to recite an additional feature of the invention.
Support for claim 43 is found throughout the specification and in particular on page 8,
lines 28-29.

Applicant notes claims 1-11, 16, 21-31, 41 and 42 were allowed in the parent
application.

Applicants believe that the claims would have been allowable as originally filed. Accordingly, applicants assert that no claims have been narrowed within the meaning of the Federal Circuit's recent decision in *Festo Corp. v. Shoketsu Kinzoku Kohyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).

A prompt and favorable action on the merits is earnestly solicited. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,


Diane Dunn McKay
Reg. No. 34,586
Attorney for Applicant

DATE: February 8, 2002

MATHEWS, COLLINS, SHEPHERD & GOULD
100 Thanet Circle, Suite 306
Princeton, NJ 08540
(609) 924-8555 - Telephone
(609) 924-3036 - Facsimile

20071037-020802